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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,006	03/06/2001	James C. Rush	STE01 P-1086	5256

277 7590 03/05/2004

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,006

Applicant(s)

RUSH ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 6-26, 29-44 and 50-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 30-34 is/are allowed.
- 6) ☐ Claim(s) 6, 20-26, 35-39 and 50-56 is/are rejected.
- 7) ☐ Claim(s) 7-19, 29, 40-44 and 57-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 6,20-26,35-39,50-54 and 56 is withdrawn in view of a more careful review of the reference(s) to KELLY, GOOSE and JONES.

Rejections based on the newly cited reference(s) follow.

Claim Objections

Regarding claims 6,29 and 35, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 50 recites the limitation ""the open office space" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 50 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #3,513,606 to JONES. JONES discloses the use of a furniture system including a plurality of vertical posts (2) each having a lower portion (18) abuttingly supported on a floor surface (F) and an upper portion connected to an associated plurality of overhead

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beams (36); wherein the posts (2) include at least one X-shaped post (2) having four outwardly extending and mutually perpendicular flanges (colored red) having an end face (colored blue) including a single vertical slot (colored yellow) extending centrally there along. Each slot (colored yellow) has a general T-shape configuration with an enlarged interior track (IT) and a reduced neck portion (colored orange). The overhead beams (36) each have a lowermost face (colored blue) and an uppermost face (colored blue) both with a single, central, horizontal slot (37), see figure 1. The X-shaped post (2) further includes a hollow base (5) and a threaded shank (17) with adjustable leveling feet (18) that is inherently telescopingly received therein.

Claims 51-54 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,513,606 to JONES. JONES discloses the use of a furniture system including a plurality of vertical posts (2) each having at least one vertical slot (colored yellow), a lower portion (18) abuttingly supported on a floor surface (F) and an upper portion connected to an associated plurality of overhead beams (36) by a plurality of beam-to-post connectors (4,5) attached at opposite ends of the beams and being detachable retained within the slots (colored yellow) of the posts (2). Regarding claim 52, the posts (2) extend vertically to an overhead beam (36) at an overhead position. In reference to claim 53, each beam (36) includes a hanger slot (36,37) extending longitudinally there along. Regarding claim 54, the hanger slot (36,37) supports furniture, column 7, lines 9-11 and see figure 25 showing a shelf (unlabeled).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,592,493 to GOOSE. GOOSE discloses the use of a furniture system including a plurality of overhead beams (101) having, respectively a single horizontal slot (108 and colored green) formed on an uppermost and a lowermost surface thereof wherein the overhead beams (101) are connected at opposite ends thereof to an upper portion of a plurality of vertical posts (100) such that a lower portion of the vertical posts are "adapted" to be supported by a floor surface (not shown), see figure 3. The vertical posts (100) include at least one outwardly extending flange (105) having an end face (107) with a generally T-shaped vertical slot (108) having an enlarged interior track portion (colored purple) and a reduced neck portion (colored orange) that opens outwardly wherein the slot (108) extends centrally along the end face (107). A plurality of beam-to-post connectors, as shown in figure 1, having an elongate T-shaped central portion (colored red) with upper/lower key portions (14) received in the slots (108 and colored green) of the overhead beams (101), see the marked attachment. GOOSE discloses the basic claimed furniture system except for explicitly detailing that his system is intended for use in an open office space. Although GOOSE does not explicitly disclose that his furniture system is intended for use in an open office space, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the manner in which a device is intended to be employed does not

differentiate the claimed apparatus from a prior art device satisfying the claimed structural limitations.

Claims 20,21,23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,592,493 to GOOSE. GOOSE discloses the use of a furniture system including a plurality of overhead beams (101) having, respectively a single horizontal slot (108 and colored green) formed on an uppermost and a lowermost surface thereof wherein the overhead beams (101) are connected at opposite ends thereof to an upper portion of a plurality of vertical posts (100) such that a lower portion of the vertical posts are "adapted" to be supported by a floor surface (not shown), see figure 3. The vertical posts (100) include at least one outwardly extending flange (105) having an end face (107) with a vertical slot (108) that opens outwardly wherein the slot (108) extends centrally along the end face (107). A plurality of beam-to-post connectors, as shown in figure 1, are received in the slots (108 and colored green) of the overhead beams (101), see the marked attachment. GOOSE discloses the basic claimed furniture system except for explicitly detailing that his system is intended for use in an open office space. Although GOOSE does not explicitly disclose that his furniture system is intended for use in an open office space, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the manner in which a device is intended to be employed does not differentiate the claimed apparatus from a prior art device satisfying the claimed structural limitations. Regarding claim 21, each of the slots (108) in the posts (100) and each of the slots (108 and colored green) in the beams (101) is similarly sized and shaped to receive a common fastener (14)

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therein. In reference to claim 23, the posts (100) include at least one X-shaped post (100) having four outwardly extending and mutually perpendicular flanges (104,105) having an end face (106,107) including a single vertical slot (108) extending centrally there along. Regarding claim 25, each beam (101) having opposite side faces also having slots (108) wherein slots (108) can be hanger slots (108) extending there along. Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,592,493 to GOOSE in view of US Patent #3,513,606 to JONES. GOOSE discloses the basic claimed device except for explicitly detailing that the system is configured to include a plurality of partition accessories. Although GOOSE is silent in this regard, JONES teaches that it is known in the art to provide a furniture system with a plurality partition accessories (67,81) each having portion; respectively, hook portions (77,82) detachably retained within slots (not labeled) formed in the posts (2,64,65) and beams (4). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of GOOSE with the accessories of JONES in order to give the users with a wide variety of utensils needed to perform efficiently and properly.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,592,493 to GOOSE in view of US Patent #5,864,997 to KELLY. GOOSE discloses the basic claimed device except for the posts being Y-shaped. KELLY teaches that is known in the art to form posts (1) of a furniture system out of a variety of shapes. For instance figure 1 shows an X-shaped post wherein a central portion is square shaped having four outwardly extending portions and figure 2, shows a post

member (1) having a hexagon shaped central portion with six outwardly extending portions. Although, KELLY does not show a Y-shaped post, he does detail the use of a variety of other shapes. Hence, it would have been obvious to one having ordinary skill in the art to form the central portion out of a triangular shape that would require three outwardly extending portions that would thereby form a Y-shaped member. Although, KELLY does not show a Y-shaped post, it is apparent from the teachings of KELLY that the shapes of the furniture beams and posts may be varied according to how and where they may be used. In this regard, although neither GOOSE nor KELLY explicitly disclose the use of a Y-shaped beam or post, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the shape of the post/beams in accordance with the use intended as an obvious matter of design choice. For instance X-shaped members are good for end-to-end connections and only subdividing a space only once; whereas a Y-shaped or even hexagonally shaped members might be good for use with forming an interior wall or space of several interconnecting room partitions to subdivide the areas by more than two subdivisions, accordingly. Further, the use of a Y-shaped or other shaped posts member provides furniture system with the diverse ability to be employed in a wide variety of situations and environments.

Claims 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,592,493 to GOOSE in view of US Patent #5,864,997 to KELLY and US Patent #3,513,606 to JONES. GOOSE discloses the use of a furniture system including a plurality of overhead beams (101) having, respectively a single horizontal

slot (108 and colored green) formed on an a lowermost surface thereof wherein the overhead beams (101) are connected at opposite ends thereof to an upper portion of a plurality of vertical posts (100) such that a lower portion of the vertical posts are "adapted" to be supported by a floor surface (not shown), see figure 3. The vertical posts (100) include at least one outwardly extending flange (105) having an end face (107) with a vertical slot (108) that opens outwardly wherein the slot (108) extends centrally along the end face (107). Each of the slots (108) in the posts (100) and each of the slots (108 and colored green) in the beams (101) is similarly sized and shaped to receive a common fastener (14) therein. A plurality of beam-to-post connectors, as shown in figure 1, received in the slots (108 and colored green) of the overhead beams (101), see the marked attachment. GOOSE discloses the basic claimed furniture system except for explicitly detailing that his system is intended for use in an open office space, except for the use of partition accessories and except for the posts being Y-shaped. Although GOOSE does not explicitly disclose that his furniture system is intended for use in an open office space, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the manner in which a device is intended to be employed does not differentiate the claimed apparatus from a prior art device satisfying the claimed structural limitations. Regarding the Y-shaped posts, KELLY teaches that is known in the art to form posts (1) of a furniture system out of a variety of shapes. For instance figure 1 shows an X-shaped post wherein a central portion is square shaped having four outwardly extending portions and figure 2, shows a post member (1) having a hexagon shaped central portion with six outwardly extending

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portions. Although, KELLY does not show a Y-shaped post, he does detail the use of a variety of other shapes. Hence, it would have been obvious to one having ordinary skill in the art to form the central portion out of a triangular shape that would require three outwardly extending portions that would thereby form a Y-shaped member. Although, KELLY does not show a Y-shaped post, it is apparent from the teachings of KELLY that the shapes of the furniture beams and posts may be varied according to how and where they may be used. In this regard, although neither GOOSE nor KELLY explicitly disclose the use of a Y-shaped beam or post, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the shape of the post/beams in accordance with the use intended as an obvious matter of design choice. For instance X-shaped members are good for end-to-end connections and only subdividing a space only once; whereas a Y-shaped or even hexagonally shaped members might be good for use with forming an interior wall or space of several interconnecting room partitions to subdivide the areas by more than two subdivisions, accordingly. JONES teaches that it is known in the art to provide a furniture system with a plurality partition accessories (67,81) each having portion; respectively, hook portions (77,82) detachably retained within slots (not labeled) formed in the posts (2,64,65) and beams (4). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form at least one of the posts of GOOSE as having a Y-shape, as taught by KELLY, and with a plurality of partition accessories, as taught by JONES, in order to form a furniture system that is diverse to

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be accommodated to a variety of environments and spaces while also providing the users with a wide variety of utensils needed to perform efficiently and properly.

Regarding claim 36, the uppermost face of the beam (101) of GOOSE also includes a horizontal slot (108 and colored green). In reference to claim 37, the slots (108) are generally T-shaped with an enlarged interior track portion (colored purple) and a reduced neck portion (colored orange), see the marked attachment. Regarding claim 38, the beam-to-post connectors, as shown in figure 1 of GOOSE, are shaped to be inserted into the open end (colored orange) of the slots (108). In reference to claim 39, each of the beam-to-post connectors, as shown in figure 1 of GOOSE, have an elongate T-shaped central portion (colored red) with upper/lower key portions (14) adapted for close reception into the slots (108 and colored green) in the uppermost/lowermost faces of the beams (101).

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,513,606 to JONES in view of either US Patent #5,836,121 to HOFMAN or US Patent #6,076,317 to HELLWIG et al. As detailed above, JONES discloses the basic claimed furniture system except for the inclusion of furniture accessories, especially furniture accessories that are whiteboards. Column 7, lines 9-11 and figure 25 details the use of a shelf accessory; however, JONES includes the use of panels (42) that are also received in the slots (108). Hence, both HOFMAN and HELLWIG et al. teach that it is known in the art to provide a furniture system with whiteboard panels (275) and (4); respectively. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the furniture system of JONES with

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whiteboard panels, as taught by both HOFMAN and HELLWIG et al. in order to once again give the system the ability to be diverse in allowing a user to have the ability to the walls of his space without having to leave his space to display something or to write something.

Allowable Subject Matter

Claims 7-19 and 40-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 30-34 are allowed.

Claims 29 and 57-64 would be allowable if rewritten to overcome the claim objection(s) noted above.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the use of a furniture system having X-shaped beams/posts with T-shaped slots; wherein the beam/posts connectors include the combination of a T-shaped central portion having upper/lower key portions with fastener apertures that receive a pair of T-fasteners therein.

Response to Arguments

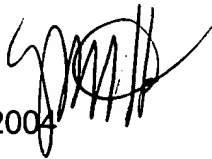
Applicant's arguments with respect to claims 6,20-26,35-39 and 50-56 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
March 02, 2004



May 26, 1970

V. H. JONES

3,513,606

STRUCTURAL FRAMEWORK AND CONNECTOR JOINT THEREFOR

Filed Feb. 21, 1968

5 Sheets-Sheet 4

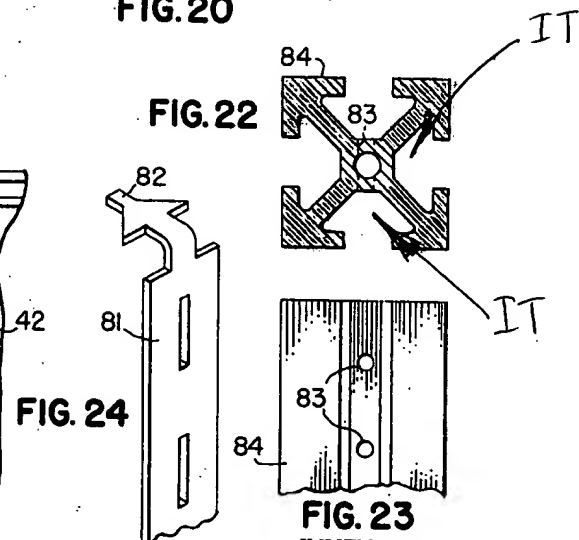
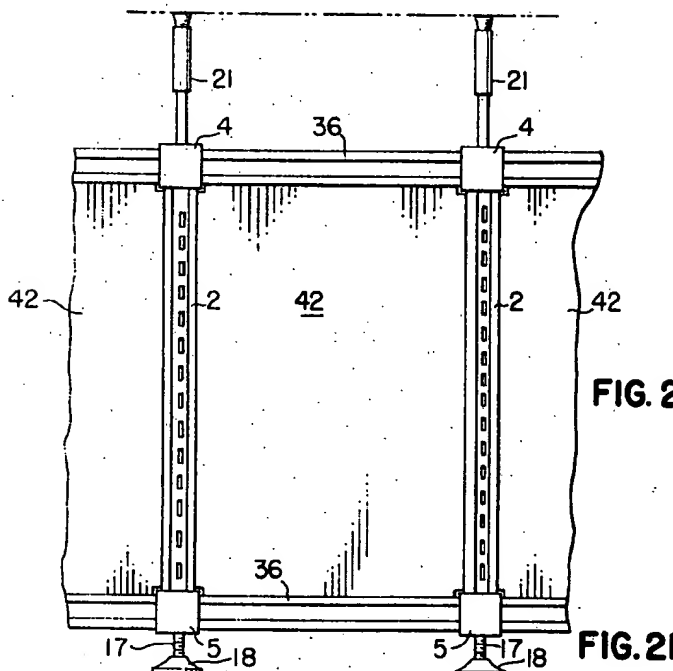
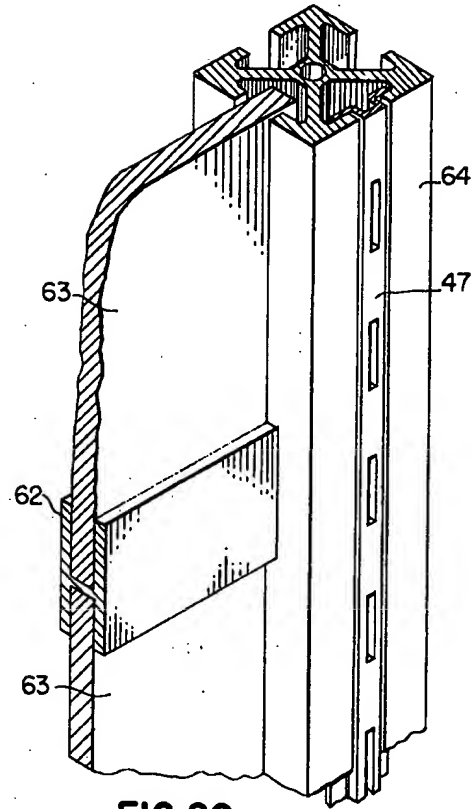
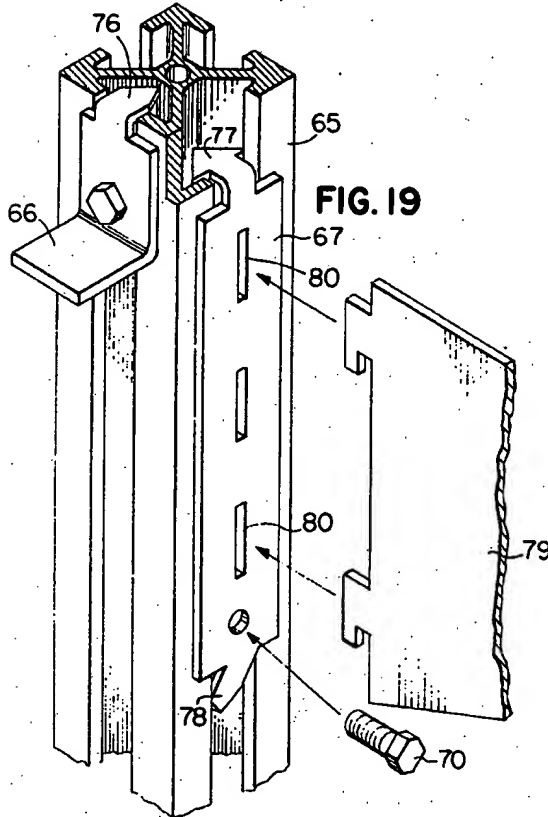


FIG. 23
INVENTOR.
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BY

A. Miller
ATTORNEY

May 26, 1970

V. H. JONES

3,513,606

STRUCTURAL FRAMEWORK AND CONNECTOR JOINT THEREFOR

Filed Feb. 21, 1968

5 Sheets-Sheet 1

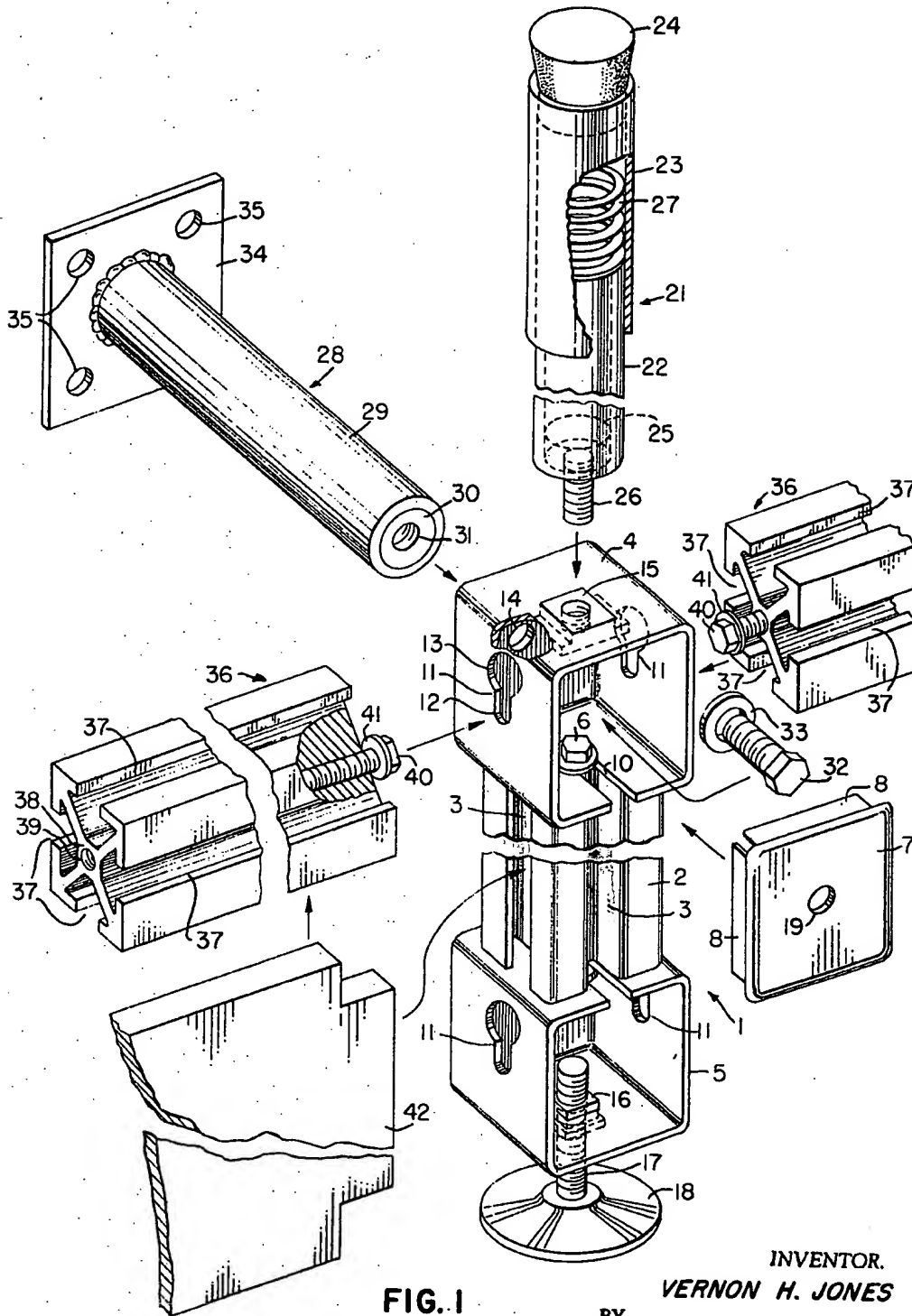
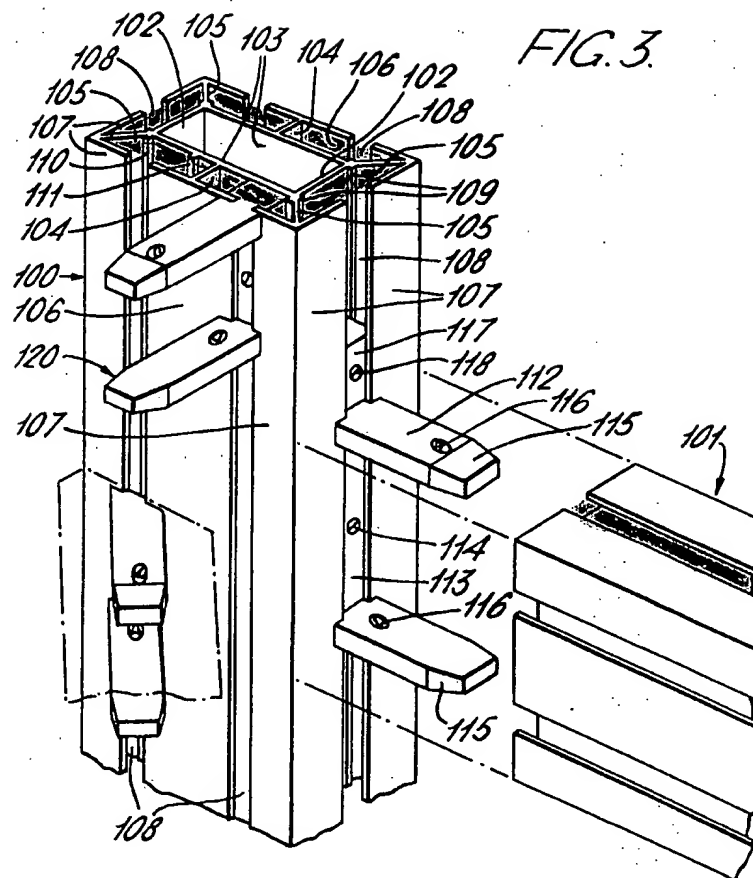


FIG. 1

BY

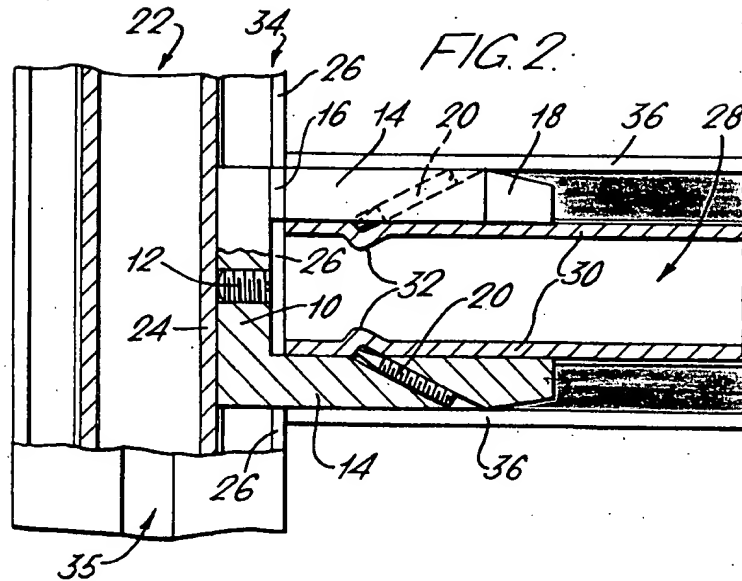
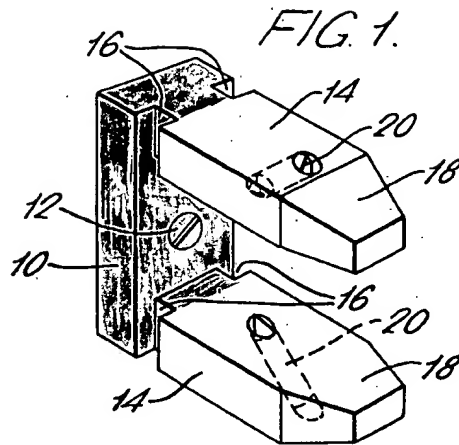
INVENTOR.
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F. Milliken
ATTORNEY



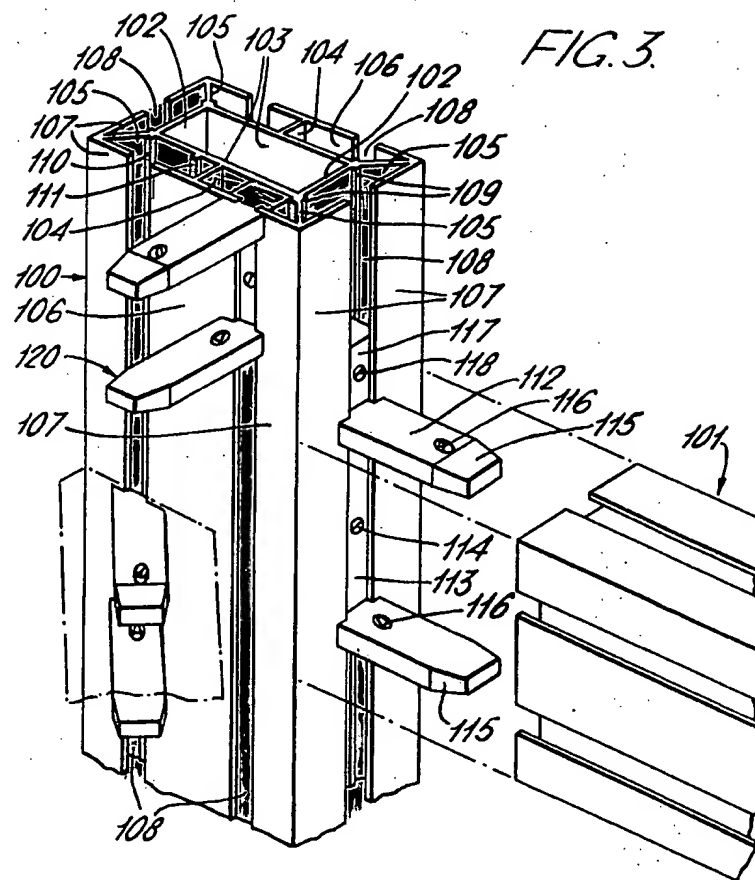
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